

ENTERED

September 27, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONRICARDO GIL JR., *et al*,

Plaintiffs,

VS.

DE LAUNE DRILLING SERVICE, LTD,
et al,

Defendants.

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CIVIL ACTION NO. 2:16-CV-71

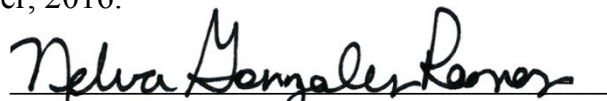
**ORDER DENYING MOTION FOR PARTIAL
SUMMARY JUDGMENT ON WILLFULNESS**

Before the Court is “Defendants’ Motion for Partial Summary Judgment as to Plaintiffs’ Claim of Willfulness” (D.E. 65). Plaintiffs have responded, in part, that they have not had sufficient time to obtain discovery on this issue. In particular, they recite that Defendants have identified Mark DeLaune, Mark Wayne DeLaune, Chad DeLaune, Lee DeLaune, Skeeter Tinney, and Nathan Timmons as being involved in the decision to classify drillers and hands as exempt. D.E. 69-3, pp. 1-2. Plaintiffs want to follow up with those witnesses. Plaintiffs also stated an intention to follow up with discovery regarding Mark DeLaune’s claimed FLSA compliance discussions with Bruce Seidel and unidentified Texas Department of Public Safety (DPS) officers. D.E. 69, p. 15. Defendants inaccurately characterize Plaintiffs’ request for more discovery as pertaining only to Mark DeLaune, who has already been deposed and state that Plaintiffs have had ample time for discovery on this issue. D.E. 71.

Defendants have appeared and participated in this case for less than six months. *See Answer*, D.E. 20, filed March 30, 2016. According to the Scheduling Order, discovery does not close until January 2, 2017. D.E. 57. Without addressing the merits of the motion, the Court DENIES the motion for summary judgment (D.E. 65) as premature.

The Court cautions counsel that they have already presented the Court with five (5) motions seeking full or partial summary judgments (D.E. 40, 41, 64, 65, 67). The Scheduling Order limits motions to 25 pages and separate motions should not be filed to avoid this page limit. After adequate time for discovery has passed, Plaintiffs may file one additional motion for summary judgment not to exceed 25 pages and Defendants may also file one additional motion for summary judgment not to exceed 25 pages.

ORDERED this 27th day of September, 2016.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE